IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8971 of 1992

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HOTEL VOLGA - Petitioner(s)

Versus

RATILAL MANILAL PATEL - Respondent(s)

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Appearance :

MR KM PATEL for Petitioner No(s).: 1.

None for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 03/08/2005

ORAL JUDGMENT

1. By way of this petition, the petitioner has challenged the order dated 17.6.1992

passed by the Labour Court, Ahmedabad directing the petitioner to pay Rs.12,356.10 ps. to the present respondent within one month from the date of receipt of the order with running interest at 6% from that date.

2. It is the case of the petitioner that it is a partnership firm duly registered under the provisions of the Indian Partnership Act and it is engaged in the business of hoteleering. That the respondent was working on job basis with the petitioner for writing accounts and there was no fixed working hours for him. That the respondent used to come for about one hour at his convenience to prepare kachcha accounts and he was paid Rs.200/- p.m. initially which was increased to Rs.300/- p.m. from June 1979. That the respondent used to work in some other hotels and that the respondent had stopped coming for work from 1.1.1980.

3. The respondent filed Recovery Application No.1316 of 1983 in the Labour Court, Ahmedabad alleging that he had worked with the petitioner till 8.5.1992 and that he was not paid the salary since three years and accordingly, he claimed salary of Rs.9150/- with interest @ 18% so also, bonus, provident fund, notice salary and other expenses and the total amount thus claimed was Rs.15521.10. The petitioner filed its reply contesting the claim on the ground that the respondent had worked till 31.12.1979 for which he was already paid and no amount is outstanding or payable to him and that he was entitled to the other claims made in the application. After hearing the parties, the Labour Court has passed the order as mentioned in paragraph 1 hereinabove.

4. I have heard the learned Counsel for the petitioner. On 9th February 1993, this Court passed an order that since the amount allowed by the Labour Court is only

Rs.12,356.10 ps. with 6% interest, the order of the Labour Court was stayed on condition that the amount directed to be paid by the Labour Court is deposited in the Labour Court latest by March 12, 1993 and as and when such amount is deposited, the same shall be permitted to be withdrawn by the respondent workman on executing personal bond to the effect that in case he loses in the petition and the order of the Labour Court is set aside or modified, then to the extent he may be required to restore the amount to the petitioner herein, he shall restore the same. In my view also, since the amount awarded is too meagre, it is not desirable to adjudicate the issue and direct the respondent to refund the amount after a period of about 13 years and therefore, it has become an academic issue. In that view of the matter, I see no reason to interfere with the order of the Labour Court and the petition is rejected. Rule is discharged. Ad-interim relief granted earlier stands vacated. No order as to costs.

(K.S.Jhaveri, J.)